

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ACTIVISION TV, INC.,**

**Plaintiff,**

**v.**

**Case No. 8:13CV00215**

**PINNACLE BANCORP, INC.,**

**and**

**JON BRUNING, Attorney General of  
Nebraska (in his official capacity);  
DAVID D. COOKSON, Chief Deputy  
Attorney General of Nebraska (in his  
official capacity); DAVID A. LOPEZ,  
Assistant Attorney General of  
Nebraska (in his official capacity),**

**Defendants.**

**DEFENDANTS BRUNING, COOKSON AND LOPEZ'S INDEX OF  
EVIDENCE IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION**

COME NOW Defendants Jon Bruning, Attorney General of Nebraska, David D. Cookson, Chief Deputy Attorney General of Nebraska, and David A. Lopez, Assistant Attorney General of Nebraska, and hereby submit the following evidence in support of its Brief in Opposition to Plaintiff's Motion for Preliminary Injunction.

**Attachment**

**Description**

A

Declaration of Gregory J. Walklin

Exhibit 1

Letter dated October 2, 2012 to Nebraska Hematology Oncology  
PC from BriPol LLC.

Exhibit 2 Letter dated December 7, 2012 to Nebraska Hematology Oncology  
PC from Farney Daniels.

Exhibit 3 Letter dated May 9, 2013 to DEI Communities from Farney  
Daniels.

Exhibit 4 Letter dated June 16, 2013 to DEI Communities from IsaMai LLC.

Exhibit 5 Complaint in State of Vermont v. MPHJ Technology Investments,  
LLC, State of Vermont Superior Court, Washington Unit.

Submitted this 10th day of September, 2013.

**JON BRUNING, DAVID D. COOKSON,  
DAVID A. LOPEZ, Defendants.**

By: JON BRUNING, NE #20351  
*Attorney General of Nebraska*

By: s/ Dale A. Comer  
Dale A. Comer, NE #15365  
*Assistant Attorney General*

Katherine J. Spohn, NE #22979  
*Deputy Attorney General*

Gregory J. Walklin, NE #24210  
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Attorneys for Defendants Jon Bruning,  
David D. Cookson, and David A. Lopez.

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2013, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, using the CM/ECF system, causing notice of such filing to be served upon all parties' counsel of record.

By: s/ Dale A. Comer  
Assistant Attorney General